

CIVIL WRIT PETITION NO. 4203 OF 2001 (S/S)

Ram Ratan Petwal

Petitioner

Versus

State of Uttaranchal & others.....

Respondents

Hon'ble M.M. Ghildiyal J.

Heard Sri C.D. Bahuguna learned counsel for the petitioner and learned Standing Counsel. The counter and rejoinder affidavits have been exchanged and both the parties agree that the case may be decided at the admission stage. As such the writ petition is decided finally at the admission stage.

By means of this writ petition the petitioner has prayed for regularization of his services in the Public Works Department on the ground that he was continuously serving the Department as Mate / Amin since 1995. After filing the writ petition before the court for regularization of his services the respondents were annoyed with the petitioner and the respondents have discontinued the services of the petitioner orally from October, 2001. In the counter affidavit the respondents have taken a stand that no one can be appointed directly as Amin. On the contrary, he will have to work at least for five years on daily wages basis. In para no. 4 of the rejoinder affidavit the petitioner has stated that one Lalit Mohan Joshi was engaged on muster roll in the years 1995 on daily wages as Amin and his services have been regularized in January 1996 by the respondents. Similarly one more person Sri Deewakar Joshi who worked on muster roll on daily wages in the P.W.D. has been regularized whereas the petitioner has worked for more than five years. It was also stated in para no. 4 of the rejoinder affidavit that after filing the present writ petition the Executive Engineer concerned dispensed with the services of the petitioner and engaged another person Balbir Singh Pundir as Amin on muster roll on daily wages. The learned counsel for the petitioner has submitted that one Mahavir Prasad who was working as meth / beldar in P.W.D. Tehri was given the benefit of government order dated 22.05.2002 by re-engaging him in the services from 22.06.2002 whereas the petitioner who was discontinued from services in October 2001 has not been given the benefit of

aforesaid government order. However, in some of the cases as alleged by the petitioner the persons have been given re-appointment / re-engagement by the respondents. If any person on the same footing has been regularized in the department the petitioner is directed to make a representation to the Executive Engineer P.W.D, Provincial Division, New Tehri within 15 days from today and the Executive Engineer concerned shall decide his representation within 3 weeks thereafter.

With these observations the writ petition is disposed finally.

18.10.2003

(M.M. Ghildiyal J.)

MPS

CORRECTION/MODIFICATION APPLICATION NO.9847 OF 2003
IN

CIVIL WRIT PETITION NO. 4203 OF 2001 (S/S)

Ram Ratan Petwal Petitioner

Versus

State of Uttaranchal & others..... Respondents

Hon'ble M.M. Ghildiyal J.

Heard Sri C.D.Bahuguna learned counsel for the petitioner and learned Standing Counsel.

Modification/correction application is allowed to the extent that at page number no.2 of the judgment dated 18.10.2003 from third line in place of

“If any person on the same footing has been regularized in the department the petitioner is directed to make a representation to the Executive Engineer P.W.D, Provincial Division, New Tehri within 15 days from today and the Executive Engineer concerned shall decide his representation within 3 weeks thereafter” the following shall be substituted:-

“ The petitioner is directed to make a representation to the Executive Engineer, P.W.D., Provincial Division, New Tehri within 15 days from today and the Executive Engineer concerned shall decide his representation within three weeks thereafter and if any person on the same footing has been re-engaged the petitioner shall also be considered for re-arrangement.”

The modification/correction application is disposed of accordingly.

October 31, 2003
MPS

(M.M. Ghildiyal J.)